

Mail Stop Interference
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Paper 1

Filed 22 October 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TAKESHI KAMEGAI, TOSHI IWATA,
TAKAYA YAMAMOTO, TERUYOSHI YANAGITA,
AND KOJI NAGAO,
Junior Party
(Patent 7,157,496),

v.

JAN WADSTEIN, AND JAN REMMEREIT,
Senior Party
(Application No. 09/410,484),

Patent Interference No. 105,780
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part B. Judge managing the interference

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 2:00 p.m. on 16 December 2010 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: TAKESHI KAMEGAI, NAGOYA-SHI;
TOSHI IWATA, CHUO-KU, JAPAN;
TAKAYA YAMAMOTO, NAGOYA-SHI, JAPAN;
TERUYOSHI YANAGITA, SAGA-SHI, JAPAN;
KOJI NAGAO, SAGA-SHI, JAPAN;

Involved Patent: 7,157,496, granted 02 January 2007, from application
10/866,822 filed 15 June 2004

Title: PROPHYLACTIC AGENT OF HYPERTENSION
CONTAINING A CONJUGATED FATTY ACID AS AN
EFFECTIVE INGREDIENT AND THE USE THEREOF

Assignee: NISSHIN OIL MILLS CO., LTD

Senior Party

Named Inventors: JAN WADSTEIN, VOLD, NORWAY;
JAN REMMEREIT, OSLO, NORWAY

Involved Application: 09/410,484, filed 30 September 1999

Title: METHOD OF TREATING HYPERTENSION AND
REDUCING SERUM LIPASE ACTIVITY

Assignee: NATURAL ASA

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 8 of the Kamegai involved patent

or

Claim 1 of the Wadstein involved application.

The claims of the parties are:

Kamegai: 1-15

Wadstein: 1-3, 7-18

The claims of the parties which correspond to Count 1 are:

Kamegai: 1-15

Wadstein: 1-3 and 7-9

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Kamegai: none

Wadstein: 10-18

The parties are accorded the following benefit for Count 1:

Kamegai: JP 2003-191299 filed 3 July 2003

Wadstein: US 60/104,032, filed 3 October 1998

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see
SO § 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy of claims of 09/410,484
Copy of claims of 7,157,496

cc (via overnight delivery):

Attorney for Kamegai:

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Attorney for Wadstein:

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